

## Article - Environment

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§14–108.

The Department shall deny the permit if the Department determines that:

(1) The proposed operation shall violate a requirement of this subtitle or a regulation adopted under this subtitle;

(2) The proposed drilling or well operation poses a substantial threat to public safety or a risk of significant adverse environmental impact to, but not limited to, the following:

(i) The Chesapeake Bay;

(ii) The Chesapeake Bay Critical Area;

(iii) Tidal or nontidal wetlands;

(iv) Endangered or threatened species, species in need of conservation, or the habitat of any of them;

(v) Historic properties under § 5A–326 of the State Finance and Procurement Article;

(vi) Populated areas;

(vii) Freshwater, estuarine, or marine fisheries; or

(viii) Other significant natural resources;

(3) The applicant has failed to receive applicable permits or approvals for the operation from all State and local regulatory units responsible for air and water pollution, sediment control, and zoning;

(4) The operation will constitute a significant physical hazard to a neighboring dwelling unit, school, church, hospital, commercial or industrial building, public road, or other public or private property in existence at the time of the application for the permit;

(5) The operation will have a significant adverse effect on the uses of a publicly owned park, forest, or recreation area in existence at the time of the application for the permit; or

(6) The applicant has not corrected any violations committed by the applicant under any prior permit.

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